A CONSTELLATION OF INTERESTS IS NOW SEEKING TO INCREASE ITS

OWNERSHIP

AND

CONTROL

OF

CREATIVITY

LIBRE MANIFESTO

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A constellation of interests is now seeking to increase its ownership and control of creativity. We are told that these interests require new laws and rights that will allow them to control concepts and ideas and protect them from exploitation.

They say that this will enrich our lives, create new products and safeguard the possibility of future prosperity. But this is a disaster for creativity, whose health depends on an ongoing, free and open conversation between ideas from the past and the present.

In response we wish to DEFEND the idea of a creative field of concepts and ideas that are FREE FROM OWNERSHIP

1

Profit has a new object of affection. Indeed, profiteers now shamelessly proclaim to be the true friend of creativity and the creative. Everywhere, they declare, "WE SUPPORT AND PROTECT CONCEPTS AND IDEAS. CREATIVITY IS OUR BUSINESS AND IT IS SAFE IN OUR HANDS. WE ARE THE TRUE FRIENDS OF CREATIVITY!"

2

Not content with declarations of friendship, profiteers are eager to put into practice their fondness for creativity as well. Action speaks louder than than words in capitalist culture. To display their affection, profiteers use legal mechanisms, namely intellectual property law, to watch over concepts and ideas and to protect them from those who seek to misuse them. While we are dead to the world at night, they are busily stockpiling intellectual property at an astonishing rate. More and more, the creative sphere is being brought under their exclusive control.

3

The fact that the profiteers are now so protective of creativity, jealously seeking to control concepts and ideas, ought to rouse suspicion. While they may claim to be the true friends of creativity, we know that friendship is not the same as dependency. It is very different to say, "*I am your true friend because I need you*", than to say, "*I need you because I am your true friend*". But how are we to settle this issue? How do we distinguish the true friend from the false? In any relatiopnship between friends we should ask, "*Are both partners mutually benefiting?*"

4

The profiteers' insatiable thirst for profit clearly benefits from their new friendship with creativity and the creative. Unlike physical objects, concepts and ideas can be shared, copied and reused without diminishment. No matter how many people use and interpret a particular concept, nobody else's use of that concept is surrendered or reduced. But through the use of intellectual property law – in the form of patents, trademarks and particularly copyright – concepts and ideas can be transformed into commodities that are privately regulated and owned. An artificial scarcity of concepts and ideas can then be established. Much money is to be made when creative flows of knowledge and ideas become scarce products or commodities that can be traded in the market place. And, increasingly, intellectual property law is providing profiteers with vast accumulations of wealth.

5

Informational, affective and knowledge-based labour has now become a central driver of profit. Indeed, immaterial labour is increasingly replacing industrial manufacture as the main producer of wealth in the age of technological capitalism. With these developments in the productive processes, a new embodiment of profit emerges. Alongside the landlords that controlled agriculture and the capitalist factory owners that controlled manufacture, *vectors* — the owners of the distribution, access and exploitation of creative works through valorisation— have emerged. It is these same vectorialists, of course, that are now so vocal in their claim to be the true friends of creativity and the creative.

6

For many of us, the thought of intellectual property law still evokes romantic apparitions of a solitary artist or writer seeking to safeguard her or his creative work. It is therefore unsurprising that we tend to view intellectual property law as something that defends the rights and interests of the creative. Perhaps, in some removed and distant time, there was a modest respect in this notion. But this romantic vision of the creative is certainly ill at ease with the current capitalist reality.

7 The world in which creative people now find themselves is a *social factory* or a *society-factory* [1]. The vectors view the whole social world of creativity and creative works as raw material for commodification and profit. Creative people have thus become *de facto* employees of the vectors, if not their actual ones. Each concept and idea they produce is available to be appropriated and owned by the vectors through the use of intellectual property law. What is more, the vectors continually lobby to extend the control of these laws for greater and greater lengths of time. Because the vectors have now made intellectual property law their own, we can from now, more accurately, term these laws, 'vectoral laws'.

8

The creative multitude is becoming legally excluded from using and reinterpreting the concepts and ideas that they collectively produce. In addition, this legal exclusion is being supported by technological means. Using technology as their delegates, the vectors seek to enforce vectoral law by instantiating their interests within the technical code that configures information, communications, networks and devices. To do so, they are currently developing and configuring ever more closed technologies and disciplinary machines. Digital rights management software, for example, sequesters and locks creative works, preventing their copying, modification and reuse.

The vectors can by using these prescriptive technologies deny access to those who cannot pay or to those whose sympathises and support are not assured. They can also exclusively determine how ideas and concepts are to be used in the future. In the current era of technological capitalism, public pathways for the free flow of concepts and ideas and the movement of creativity and the creative are being steadily eroded — the freedom to use and re-interpret creative work is being restricted through legally based but *technologically enforced* enclosures.

9

This development is an absolute disaster for creativity, whose health depends on a free and ongoing conversation and confrontation between concepts and ideas from the past and present. It is shameful that the creative multitude is being excluded from using the concepts and ideas that they collectively produce. Creativity is never solely the product of a single creator or individuated genius. It always owes debts to the inspiration and previous work of others, whether these are thinkers, artists, scientists, paramours, listeners, machines or friends. Creativity, as a fusion point of these singularities, cannot subsist in a social nothingness. Concepts and ideas depend upon their social life — and it could not be otherwise.

10

An analogy can be drawn with everyday language: that is, the system of signs, symbols, gestures and meanings used in communicative understanding. Spoken language is shared between us. A meaningful utterance is only made possible by drawing on the words that freely circulate within a linguistic community of speakers and listeners. Language, then, is necessarily non-owned and free. But imagine a devastating situation where this was no longer the case. George Orwell's depiction of a 1984 dystopia — and the violence done here to freethinking through newspeak — helps to illustrate this. In a similar way, the control and ownership of concepts and ideas is a grave threat to creative imagination and thought, and so also a danger to what we affectionately call our freedom and self-expression.

11

Until recently, the creative multitude could decide either to *conform* or *rebel*. In *conforming* they became creatively inert, unable to create new synergies and ideas, mere producers and consumers of the standardised commodities that increasingly saturate cultural life. In *rebelling*, they continued to use concepts and ideas in spite of vectoral law. Labelled "PIRATES", "PROPERTY THIEVES" and even "TERRORISTS", they were then answerable as criminals to the courts of global state power. In other words, a permanent state of exception, a political emergency, was declared, which, together with the disciplinary norms of a propertised *control society*, was then used to justify and extend the coercive use of state power and repression against an increasingly criminalised culture of creativity. But as we will soon discuss, a growing number of the creative have now moved beyond both conformity and rebellion, through an active resistance to the present and the creation of an alternative creative field for flows of non-owned concepts and ideas.

12

The vectors and their representatives will make immediate objections to all we have said. The profiteers will turn proselytizers and exclaim, "IF THERE IS NO PRIVATE OWNERSHIP OF CREATIVITY THERE WILL BE NO INCENTIVE TO PRODUCE!" The suggestion that the ownership of knowledge and ideas promotes creativity is a shameful one, however plausible it may seem from the myopic perspective of profit. To say that creativity can thrive while the creative lack the freedom to reuse concepts and ideas is clearly upside-down. After giggling a little at this, we should now turn this thinking the right way up.

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13

According to this "INCENTIVE" claim, there cannot have been any creativity (i.e., art, music, literature, design and technology) *before* the ownership and control of our concepts and ideas. This seems like fantasy. Historians frequently profess to us that creativity was alive and well in pre-capitalist times, *before* the advent of intellectual property laws. But even so, we might concede that history is now enough of a fiction to raise some doubt about the form of previous incarnations of creativity and the creative. The incentive claim, however, is even more risible when it implies that there cannot be any creativity *currently* operating outside of the vectoral property regime. This of course contradicts our current experiences as historical actors and witnesses. We can now be sure of something that we have always already known — creativity is irreducible to the exploitation of intellectual property.

15

Through the principles of *attribution* and *share-alike*, existing works and ideas are given recognition in these communities. This means that while creative work may always be copied, modified and synthesised into new works, previous creative work is valued and recognised by the community for its contribution to creativity as a whole (and rightly so). Attribution and share-alike are constitutive principles of the Free/Libre and Open Source movements, and chromosomes of the new mode of creative life that their social practice intimates.

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14. A new global movement of networked groups that operate across a variety of creative media (e.g., music, art, design and software) is now emerging. These groups produce a *gathering* [2] of concepts, ideas and art that exist outside the current vector property regime. The creative works of the *Free/Libre and Open Source* communities, for instance, can all be freely examined, challenged and modified. Here, knowledge and ideas are shared, contested and reinterpreted among the creative as a community of friends. The concepts and ideas of these groups, like the symbols and signs of language, are public and non-owned. Against the machinations of profit, these groups are in the process of constituting a real alternative — of constructing a model of creative life that reflects the force and desire of the creative multitude.

16

These movements adopt an ingenious viral device, implemented through public licences, known as *copyleft*. This ensures that concepts and ideas are non-owned, while guaranteeing that future synergies based on these concepts and ideas are equally open for others to use. Whereas copyright operates through law to prevent the modification and re-use of concepts and ideas, copyleft ensures that these concepts and ideas remain openly available and not capable of being privatised. In this way, *copyright* ('all rights *reserved*') is stood back on its feet by *copyleft* ('all rights *reversed*') It now stands the right way up for creativity and can once again look it in the eyes.

17 More broadly, we can say that non-owned creative works are created by singularities formed into *machines of struggle* (e.g, GNU, bit-torrent, nettime.org, autonomedia, SchNEWS, the Zapistas, Linux, Indymedia, LOCA Records). These are horizontal and decentred molecular networks of actors, both human and non-human. These can and should be differentiated from the more centralised, disciplinary machines to which the concept network is now so liberally applied (e.g., "NETWORK FIRMS", "NETWORK STATES", "NETWORK WARS"). As such, they should also be distinguished from vectoral machines (e.g., capitalist corporations, WTO, IMF, the World Bank), which are closed, hierarchical, proprietary machines that configure and territorialize networks, concepts and ideas.

18 Machines of struggle are continually being enrolled into new alliances and relations. As the vision and practice of non-owned creativity gathers in strength, these rhizomatic arrangements are both deepening and widening. Just as the violence of the vector's disciplinary regime is seeking to intensify, it is being met with a real *counter-power*. This countervailing force finds its form and strength, not through any individual nucleus or singularity standing alone, but through broader relations and alliances. More accurately, therefore, we are talking here of *circuits of counter-power* – machines of struggle in creative alliances.

19 These circuits of counter-power bring forth the scope for resistance, the capacity for agency and thus the hope and promise of future worlds. When linked together, machines of struggle are able to confront and challenge the vectoral regime as a real force, collectively armed against the territorializing effects of vectoralist capital. Circuits of counter-power provide the conditions and capacity for transformative constitutive action. Such circuits are but one moment of the potential power of the creative multitude as organised and effective transformative agents.

20 We believe that the creative multitude should form themselves into machines of struggle and establish alliances with broader circuits of counter-power. In so doing, they contribute towards the idea and practice of non-owned creativity and the untimely model of creative life that it intimates. Through collective production and shared creative alliance, they will defend *and extend* creativity against those who shamelessly remain wedded to the language and practice of private property and profit, and who continually attempt to territorialize and configure for the purposes of control and ownership.

21 Indeed, we — who are already quite a crowd — must defend the idea and practice of non-owned creativity. For it is only the creative multitude, when organised and enrolled into circuits of counter-power, who will determine whether a possible transformation of our times is realised. This is a movement that is acting 'counter to our time and, let us hope, for the benefit of a possible time to come' [3].

— *Creativity is creating resistance to the present.*

NOTES

[1] Virno, P. & Hardt (1996)
[2] Versammlung (Heidegger 1951)
[3] Nietzsche (1983, p60)

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